

1 | Ronald S. Kravitz, Esq. (SBN: 129704)
rkravitz@linerlaw.com

2 | Matthew Borden, Esq. (SBN: 214323)
mborden@linerlaw.com

3 LINER YANKELEVITZ

SUNSHINE & REGENSTREIF LLP

4 || 199 Fremont Street, 20th Floor

San Francisco, CA 94105-2255

5 | Telephone: (415) 489-7700

Facsimile: (415) 489-7701

Attorneys for Plaintiffs and Counterdefendants

7 Mai Christina Pham, John Pham, Mai Nguyen, Hung Perry

Nguyen, Joyce Freeman, and Christopher Hake

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

In re) Case No. C 08-00201 JW
2)
COMUNITY LENDING, INCORPORATED, a) Chapter 11
3 California corporation,)
4) Honorable James Ware
Debtor.)
5) Bankruptcy Case No. 08-50030 (MM)
MAI CHRISTINA PHAM, JOHN PHAM, MAI)
6 NGUYEN, HUNG PERRY NGUYEN, and) Adv. Proc. No. 08-05006
7 JOYCE FREEMAN,)
Plaintiffs,)
8 vs.)
9)
COMUNITY LENDING, INCORPORATED, a)
10 California corporation, and Does 1 through 10,)
11 inclusive,)
12)
Defendants.)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
**DECLARATION OF MAI NGUYEN IN
SUPPORT OF PLAINTIFFS' AND
COUNTERDEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**
Date: September 22, 2008
Time: 9:00 a.m.
Courtroom: 8, 4th Floor

Case No. C 08-00201 JW

DECLARATION OF MAI NGUYEN ISO MOTION FOR SUMMARY JUDGMENT

1 I, Mai Nguyen, declare:

2 1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated
3 below, and if called as a witness, I could and would testify competently thereto.

4 2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and
5 former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").

6 3. My Plan benefits are comprised entirely of salary that I earned and then deferred and
7 the interest thereon.

8 4. When the Plan terminated, my account had an aggregate balance of \$262,120.47.

9 5. By no later than September 17, 2007, IBT, the Plan's trustee, had distributed my
10 Plan benefits directly to the Company instead of to me. The Company has refused to return my
11 Plan benefits.

12

13 I swear under penalty of perjury under the laws of the United States and California that the
14 foregoing is true.

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16 Dated this 9th of June, 2008

/s/
Mai Nguyen

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1 I, Mai Nguyen, declare:

2 1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated
3 below, and if called as a witness, I could and would testify competently thereto.

4 2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and
5 former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").

6 3. My Plan benefits are comprised entirely of salary that I earned and then deferred and
7 the interest thereon.

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Mai Nguyen

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